

Office Memorandum • UNITED STATES GOVERNMENT

TO : Files

DATE: 20 January 1949

FROM :  25X1A

SUBJECT: Patents

1. For future reference, Judge Parker's opinion in Kober v. U. S., 170 Fed. (2nd) 590, presents a very concise and clear explanation of the law in regard to rights of the Government in patents and inventions of an employee.

2. To quote from page 594:

OGC HAS REVIEWED.

"(2-4) Upon these facts, we think that the judgment appealed from was clearly correct. In the absence of agreement fixing the rights of the parties, the rights of an employee in an invention which he has made are subject to different rules dependent upon the facts. If he has made the invention on his own initiative and on his own time and resources, the invention belongs to him and the employer has no rights in it. If while engaged in a certain line of work for his employer he has devised or improved a method or instrumentality for doing the work, using the property of the employer and the services of other employees to develop his invention and has assented to the use of same by the employer, the invention is his property subject to an irrevocable license, or shop right, in the employer. If he makes an invention while employed to make investigations and conduct experiments for the purpose of making it, the invention is the property of the employer, who is entitled to the fruits of the labor for which he contracted. These rules apply to employees of the government as well as to those of private persons."

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